

# UNITED STATES DISTRICT COURT

for the  
District of Delaware

XPOINT TECHNOLOGIES, INC.,

*Plaintiff*

v.

MICROSOFT CORPORATION, et al.

*Defendant*

Civil Action No. 09-cv-00628(SLR)

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Acer America Corporation  
333 West San Carlos Street, Suite 1500  
San Jose, CA 95110

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: David J. Margules, Esquire  
Sean M. Brennecke, Esquire  
BOUCHARD MARGULES & FRIEDLANDER, P.A.  
222 Delaware Avenue, Suite 1400  
Wilmington, DE 19801

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 09/21/2009

CLERK OF COURT



*Signature of Clerk or Deputy Clerk*

# **RETURN OF SERVICE**

## **UNITED STATES DISTRICT COURT District of Delaware**

Case Number: 09-CV-00628 (SLR)

Plaintiff:

**XPoint Technologies, Inc.**

vs.

Defendant:

**Microsoft Corporation, et al**

For:

David J. Margules, Esq.

Bouchard, Margules & Friedlander

222 Delaware Ave, Ste 1400

Wilmington, DE 19801

Received by Brandywine Process Servers, LTD on the 21st day of September, 2009 at 2:23 pm to be served on  
**Acer America Corporation, 333 W San Carlos St, Ste 1500, San Jose, CA 95110.**

I, Michael R. Mezzetti, do hereby affirm that on the **22nd day of September, 2009 at 1:50 pm, I:**

I served the within, **Summons in a Civil Action; Amended Complaint for Patent Infringement with Exhibit A,**  
on the listed individual in said action by hand delivering true copies thereof to the following ;

**Acer America Corporation, 333 W San Carlos St, Ste 1500, San Jose, CA 95110,**

by serving; **Beatriz Duenas , Counsel, Authorized To Accept**

**Description of Person Served:** Age: 35, Sex: F, Race/Skin Color: Caucasian, Height: 5'4", Weight: 115, Hair:  
Brown, Glasses: N

Under penalty of perjury I certify that I am over the age of 18, have no interest in the above action, and am a  
Registered Process Server, in good standing, in the State of California, County of Santa Clara.



**Michael R. Mezzetti**  
1002

**Brandywine Process Servers, LTD**  
2500 Delaware Ave.  
Wilmington, DE 19806  
(800) 952-2288

**MICHAEL MEZZETTI**  
**SANTA CLARA COUNTY #1002**

Our Job Serial Number: 2009008517

Service Fee: \_\_\_\_\_